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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,613	06/22/2001	Benjamin Kane	19693.0002	4960
23517	7590	05/27/2004	EXAMINER	
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP 3000 K STREET, NW BOX IP WASHINGTON, DC 20007			RHODE JR, ROBERT E	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/886,613

Applicant(s)

KANE, BENJAMIN

Examiner

Rob Rhode

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Drawings

The drawings filed on 06/22/2001 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant describes a multiple of servers, libraries and modules, which any server can enable and contain. However, the claim is indefinite

when a distribution client is introduced as part of a server. Clients are separate and apart from a server in a client-server environment.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 5, 9 – 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spagna (US 6,587,837 B1) in view of Trebes (US 6,317,438 B1).

Regarding claim 1 and related claims 12 and 16, Spagna teaches a method and system for providing a content management system for content creation and delivery over one or more platforms, the method comprising the steps of: registering and managing users and content items; producing the content items for content display; publishing the content items to a content management module (see at least Abstract, Col 1, lines 52 – 58, Col 8, lines 50 – 67, Col 12, lines 24 – 33, Col 43, lines 19 – 21 and Figure 6); distributing the content items to targeted platforms; viewing at least one content item on at least one platform (see at least Col 1, lines 61 – 63 and Figure 6).

However, Spagna does not specifically disclose and teach optimizing availability of the content items to users using a hierarchical intelligent network.

On the other hand, Trebes teaches optimizing availability of the content items to users using a hierarchical intelligent network (see at least Abstract, Col 10, lines 53 – 54, Col 12, lines 13 – 19 and Col 18, lines 33 – 45).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provide the method and system of Spagna with the method and system of Trebes to have enabled a system optimizing availability of the content items to users using a hierarchical intelligent network nor does Spagna teach a intelligent network, which optimizes content for users as well as a system wit ha display server, platform converts, object rule – set libraries, application servers including streaming servers – in order to enable the ability of across a network of with the ability to send ands receive various formats of data including data as well as streaming data such as video. In this regard, the system and method will not be limited to supporting end users across multiple platforms as well as multiple networks in producing, managing and distributing content. Spagna teaches a method and system for providing a content management system for content creation and delivery over one or more platforms, the method comprising the steps of: registering and managing users and content items; producing the content items for content display; publishing the content items to a content management module (see at least Abstract and Figure 6). Trebes teaches a method

and system for optimizing availability of the content items to users using a hierarchical intelligent network (see at least Abstract and Col 8, lines 33 – 39). Therefore, one of ordinary skill in the art would have been motivated to combine Spagna with Trebes to have provided the comparability to produce, manage and optimize transmission of content using an intelligent network. With this end – to – end capabilities, the customer's satisfaction will be increased as result of the method and system providing all the functions required. In that manner and with the increased satisfaction, this will increase the probability that the customer will return for additional use and thereby increase the revenue to the provider of this system and method.

Regarding claim 2 and related claim 14, Spagna teaches a system, wherein the content comprises at least one content item comprising: a generic representation of content; and a plurality of content item displays, each content item display defined for one platform of the one or more platforms, each display operable to display the content on the defined platform using the generic representation of content (Col 11, lines 62 – 67 Figures 6 and 17).

Regarding claim 3, Spagna teaches a system, wherein the production module includes a production subsystem for creating at least one content item for one or more platforms (Col 12, lines 24 – 27 and Col 20, lines 6 -10) and (claim 4) wherein the production module includes a publisher client for publishing at least one content item for one or more platforms (Abstract) as well as (claim 5 and related claims 13 and 19), Spagna

teaches wherein the generic representation of content comprises extensible markup language statements (Abstract). Please note that while Spagna does not specifically cite XML, XML was old and well known at the time of the invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method of Spagna with XML.

Regarding claim 9, Spagna teaches a system, wherein the management module comprises: a publishing server operable to publish content; a system database operable to process and store assets of the published content in a system database repository; a plurality of distribution modules operable to distribute the published content to one or more platforms; and a content management operable to manage the content (Abstract, Col 9, lines 52 – 57 and Figure 6).

Regarding claim 10, Trebes teaches a system, wherein the hierarchical communications network comprises an interactive intelligent network that includes a plurality of the network servers operable to serve end users, each network server comprising server software for serving optimized content to end users (Col 12, lines 13 – 19 and Col 18, lines 33 – 45 and Figure 1).

Regarding claim 11, Trebes teaches a system, wherein each network server comprises: display server module operable to interact with an end user and control the network server operation; plurality of platform converters, each platform converter operable to

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convert data to a format suitable for display on at least one alternative platform by the display server module; plurality of object rule-set libraries for supporting the at least one alternative platform; n application server operable to provide requests from the end user to other network servers for static resources, and operable to transfer the static resources to the network server; and application server operable to provide requests from the end user to other network servers for streaming resources, and operable to redirect the end user to a selected other network server; distribution client operable to distribute a content item from the management module to the network server; and plurality of streaming servers operable to support servicing streams of respective video and audio formats (see at least Abstract, Col 1, lines 33 – 44, Col 2, lines 5 – 18, Col 3, lines 35 – 50, Col 4, lines 53 - 56 Col 10, lines 53 – 54, Col 12, lines 13 – 19, Col 8, lines 33 – 45 and Figure 1).

Regarding claim 15, Spagna teaches a system, wherein the code is hypertext language (Col 36, line3).

Claims 6 - 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Spagna and Trebes, as applied to claim 1 above and further in view of Burns (US 6,658,418 B2).

The combination of Spagna and Trebes discloses and teaches substantially the applicant's invention.

However, combination does not specifically disclose or teach a system, wherein the production module further comprises: an authoring system having a graphical user interface operable to integrate the plurality of displays; and a preview module operable to preview the displays in alternative platforms and wherein the preview module comprises at least one platform converter and platform rule-sets as well as a system, wherein the production module comprises Object-Oriented layered architecture for constructing and managing content item displays.

On the other hand and regarding claim 6, Burns teaches a system, wherein the production module further comprises: an authoring system having a graphical user interface operable to integrate the plurality of displays; and a preview module operable to preview the displays in alternative platforms (Abstract and Col 3, lines 10 – 13 and Col 10, lines 30 - 33) and (claim 7) wherein the preview module comprises at least one platform converter and platform rule-sets (Col 1, lines 43 – 46 and Col 6, lines 40 – 42) as well as (claim 8) wherein the production module comprises Object-Oriented layered architecture for constructing and managing content item displays (Col 9, lines 25 – 39 and Col 10, lines 22 – 29).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Spagna and Trebes with the system of Burns to have enabled a system, wherein the production module further comprises: an authoring

system having a graphical user interface operable to integrate the plurality of displays; and a preview module operable to preview the displays in alternative platforms and wherein the preview module comprises at least one platform converter and platform rule-sets as well as a system, wherein the production module comprises Object-Oriented layered architecture for constructing and managing content item displays – in order to provide an authoring system operable with numerous systems as well as providing the ability to review the display before distributing. The combination of Spagna and Trebes disclose a method and system to produce, manage and optimize transmission of content using an intelligent network. Burns teaches an authoring system with a preview module, which uses an architecture (Abstract). In that regard, one of ordinary skill in the art would have been motivated to extend the combination of Spagna and Trebes with Burns to disclose an authoring system with a preview module, which uses an architecture. In this manner, the system will enhance the ability to develop and implement varying content for displays, which have different information represented. In that regard, the time and complexity for developing and implementing the displayed content will be decreased. As result, the system will increase the capability to respond to changed information faster as well reduce the complexity of managing multi content - through more efficient and user friendly implementation capabilities.

Claims 17, 18 and 20 - 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Spagna and Trebes as applied to claim 16 above, and further in view of Hanson (US 6,507,865 B1).

The combination of Spagna and Trebes discloses and teaches substantially the applicant's invention.

However, the combination does not specifically disclose and teach a method, wherein the step of registering and managing users and content items comprises the steps of, defining users and providing the users with access permissions to content management capabilities; and creating new content items and configuring content item platforms, associated producer users, and targeted end users profiles for the users; and wherein the step of producing the content items for content display comprises the step of: constructing a representation of generic content, including a generic structure of content and a layout of a content display; and wherein the step of publishing the content items comprises the steps of: transferring assets and files; registering the assets in a database; and transferring registration information; and wherein the step of distributing the content items comprises the steps of setting a time for distribution; preparing assets and files; and establishing communication with a distribution agent and sending the files; and wherein the step of viewing the content items comprises the steps of receiving request; identifying a user platform and searching for content for the identified platform; obtaining files for the identified platform and converting the files for use by the platform; and locating assets for the content.

On the other hand and regarding claim 17, Hanson teaches a method, wherein the step of registering and managing users and content items comprises the steps of, defining users and providing the users with access permissions to content management capabilities; and creating new content items and configuring content item platforms, associated producer users, and targeted end users profiles for the users (Abstract, Col 9, lines 27 – 67 and Figures 4 and 5).

Regarding claim 18, Hanson teaches a method, wherein the step of producing the content items for content display comprises the step of: constructing a representation of generic content, including a generic structure of content and a layout of a content display (Figures 4 and 8 - 11).

Regarding claim 20, Hanson teaches a method, wherein the step of publishing the content items comprises the steps of: transferring assets and files; registering the assets in a database; and transferring registration information (Figure 1).

Regarding claim 21, Hanson teaches a method, wherein the step of distributing the content items comprises the steps of setting a time for distribution; preparing assets and files; and establishing communication with a distribution agent and sending the files (Col 3, lines 6 – 22 and Figure 6).

Regarding claim 22, Hanson teaches a method, wherein the step of viewing the content items comprises the steps of receiving request; identifying a user platform and searching for content for the identified platform; obtaining files for the identified platform and converting the files for use by the platform; and locating assets for the content (Col 4, lines 46 – 67 and Figures 4 – 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Spagna and Trebes with the system of Hanson to have enabled a method wherein the step of registering and managing users and content items comprises the steps of, defining users and providing the users with access permissions to content management capabilities; and creating new content items and configuring content item platforms, associated producer users, and targeted end users profiles for the users; and wherein the step of producing the content items for content display comprises the step of: constructing a representation of generic content, including a generic structure of content and a layout of a content display; and wherein the step of publishing the content items comprises the steps of: transferring assets and files; registering the assets in a database; and transferring registration information; and wherein the step of distributing the content items comprises the steps of setting a time for distribution; preparing assets and files; and establishing communication with a distribution agent and sending the files; and wherein the step of viewing the content items comprises the steps of receiving request; identifying a user platform and searching for content for the identified platform; obtaining files for the identified platform

and converting the files for use by the platform; and locating assets for the content - in order to have had the ability to defining access to content as well as enabling the displaying the generic content and providing the capability by different users to modify/change the content. The combination of Spagna and Trebes disclose a method and system to produce, manage and optimize transmission of content using an intelligent network. Burns discloses a method and system ability to defining access to content as well as enabling the displaying the generic content and providing the capability by different users to modify/change the content (Abstract). Thus, one of ordinary skill in the art would have been motivated to extend the combination of Spagna and Trebes with Hanson to disclose the ability of defining access to content as well as enabling the displaying the generic content and providing the capability by different users to modify/change the content. With these capabilities, the system will provide users with a much more robust content creation method and system, which will increase their willingness to increase the system use as result of it's ease of use. With this increase ease of use, the demand for the system will increase, which will assure the provider of the system and method will enjoy additional revenue.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art is (US 5,941,951), which address intelligent networks for distributing content.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is (703) 305-8230. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on (703) 308-3588.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

RER


Jeffrey A. Smith
Primary Examiner